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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1937

No. 32

IRON ROSS, AS RECEIVER OF THE FIRST NATIONAL BANK OF PERRY, ETC., PETITIONER,

vs.

W. V. KNOTT, AS TREASURER OF THE STATE OF FLORIDA, W. V. KNOTT, TREASURER OF THE STATE OF FLORIDA, AS EX-OFFICIO COUNTY TREASURER OF TAYLOR COUNTY, FLORIDA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR CERTIORARI FILED APRIL 21, 1937.

CERTIORARI GRANTED MAY 24, 1937.

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[fol. 1]

IN UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF FLORIDA

No. 21. Equity

IRON ROSS, as Receiver of the First National Bank of Perry, a Corporation under the National Banking Laws, Plaintiff,

versus

W. V. KNOTT, as Treasurer of the State of Florida; W. V. KNOTT, Treasurer of the State of Florida, as Ex-Officio County Treasurer of Taylor County, Florida; Dave Sholtz, as Governor of the State of Florida; J. M. Lee, as Comptroller of the State of Florida; Taylor County, a Political Subdivision of the State of Florida; and W. V. Knott, Treasurer of Florida, Dave Sholtz, Governor of Florida, and J. M. Lee, Comptroller of the State of Florida, as Members of and constituting the Board of Administration of the State of Florida, Defendants

BILL OF COMPLAINT

To the Honorable Judge of the United States District Court, in and for the Northern District of Florida:

Plaintiff, Iron Ross, as Receiver of the First National Bank of Perry, a corporation organized and existing under the National Banking Laws of the United States of America, brings this, his Bill of Complaint, and complains of the defendants in the above stated cause, and respectfully represents unto the Court as follows:

I

That the plaintiff in this cause, Iron Ross, as Receiver of the First National Bank of Perry, is a citizen and resi-
[fol. 2] dent of the State of Florida; that the First National Bank of Perry is a National Banking Association under the Act of Congress, commonly known as the Na-

tional Bank Act; that the said Bank is domiciled in the City of Perry, County of Taylor and in the Northern District of Florida.

II

That this suit is brought:

(a) To set aside and to have declared null and void an agreement under which on March 12, 1930 W. L. Weaver, as Executive Vice-President of the First National Bank of Perry, undertook to pledge with W. V. Knott, Treasurer of the State of Florida, as Ex-Officio County Treasurer of Taylor County, $10,000.00 of the County of Sarasota bonds to secure any funds deposited by the Treasurer of the State of Florida in the First National Bank of Perry; also, to set aside and have declared null and void an agreement made on March 15, 1930, under the provisions of which W. L. Weaver, as Executive Vice-President of the First National Bank of Perry, undertook to pledge with W. V. Knott, Treasurer of the State of Florida, as Ex-Officio County Treasurer of Taylor County, Town of Perry bonds of the face value of $10,000.00 to secure any funds deposited by the Treasurer of Florida in the First National Bank of Perry; also, to have declared null and void and to set aside certain agreements made from time to time in 1929 and the early part of 1930 under which W. L. Weaver, as Executive Vice-President of the First National Bank of Perry, pledged with the Bond Trustees of Taylor County, Florida, certain securities, consisting of mortgages, notes and bonds to secure funds deposited by the Bond Trustees of Taylor County in the First National Bank of Perry, and to have declared null and void an assignment of the said [fol. 3] agreement and pledged securities aggregating the face value of $69,549.76, the said assignment having been made on May 2, 1930, by the Bond Trustees of Taylor County; to enjoin W. V. Knott, as Treasurer of the State of Florida, J. M. Lee, as Comptroller of the State of Florida, and Dave Sholtz, as Governor of the State of Florida, the said officials constituting the Members of the Board of Administration of the State of Florida, from undertaking to sell said securities and applying the proceeds of sale in accordance with the terms of said agreements for the pledge thereof; to require the said W. V. Knott, State Treasurer, as Ex-Officio County Treasurer of Taylor County, and as a Member of the Board of Administration

of the State of Florida, to surrender the pledged securities now in his possession to the plaintiff herein; to require the payment to plaintiff Receiver of $3,067.50, representing the proceeds derived from the pledged collateral by the said W. V. Knott, Treasurer of the State of Florida, as Ex-Officio County Treasurer of Taylor County, and as a Member of the Board of Administration of the State of Florida; also, to require the refund to the Plaintiff Receiver of the sum of $20,759.31 heretofore paid by Plaintiff Receiver to the said W. V. Knott, State Treasurer, as Ex-Officio County Treasurer of Taylor County, the said sum of $20,759.31 having been derived by Plaintiff Receiver in the collection of securities so pledged; the said payment of $20,759.31 derived from the proceeds of said collateral was made by Plaintiff Receiver to the said W. V. Knott, State Treasurer, as Ex-Officio County Treasurer of Taylor County, under the misapprehension that the pledge agreements were valid and binding; that said payments and collections operated as preferential payments, preferring the said W. V. Knott, State Treasurer, as Ex-Officio County Treasurer of Taylor County, over other general creditors; to recover a judgment against Taylor County for the amounts illegally received by W. V. Knott, State Treasurer, as Ex-Officio County Treasurer of Taylor [fol. 4] County, for and on behalf of Taylor County, if said sums illegally received by W. V. Knott, State Treasurer, as Ex-Officio County Treasurer of Taylor County, are not paid to Plaintiff; to require the said W. V. Knott, State Treasurer, as Ex-Officio County Treasurer of Taylor County, to surrender to Plaintiff all of said pledged securities now in possession or control of said W. V. Knott, State Treasurer, as Ex-Officio County Treasurer, and for injunctive and other relief.

(b) And against J. M. Lee, as Comptroller of the State of Florida, whose official place of business is in the State Capitol in the City of Tallahassee, in the County of Leon, State of Florida, said J. M. Lee, being a citizen and resident of Avon Park in the County of Highlands, State of Florida, and against Dave Sholtz, as Governor of the State of Florida, whose official place of business is in the State Capitol in the City of Tallahassee in the County of Leon, State of Florida, said Dave Sholtz being a citizen and resident of Daytona, in the County of Volusia, State